

## Stanton, Jim

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**From:** Merritt, Allen  
**Sent:** Friday, August 23, 2002 11:55 AM  
**To:** Skinner, Corey  
**Cc:** Luke, Tim; Stanton, Jim  
**Subject:** RE: Complaint and follow up in Muldoon Creek Water District (37-O)

Corey,

As you know I'll be out of the office next week. I understand from Jim that Simpson is willing to be watermaster only if measuring devices and control works are installed. Since we are apparently left without a watermaster I have discussed the matter with Tim and we have come up with the following plan.

1. You need to draft and send a letter to Guy Peterson indicating:
  - a. a complaint from downstream waterusers prompted an inspection of diversions of Muldoon Creek by the department.
  - b. currently no watermaster has been elected to serve the water district on Muldoon Creek.
  - c. department finds that he is diverting far in excess of his recorded water right and rights downstream are suffering.
  - d. instructing him to upon receipt of letter reduce his diversion to what his water right is for.
  - e. indicated that the department will inspect in a few days his diversion and those of others. Indicate that if he is found over diverting he will be subject to a NOV and fines.
  - f. inform him to expect that an order will be issued requiring all waterusers in the district to install adequate measuring devices and control works prior to the 2003 irrigation season.
2. Work with Tim in drafting an order to install measuring devices and control works. Should probably decide if we want to craft order that places Muldoon Creek into upper Little Wood water district at same time. (I think that is what we should do.)

-----Original Message-----

**From:** Skinner, Corey  
**Sent:** Monday, August 19, 2002 2:15 PM  
**To:** Luke, Tim; Merritt, Allen  
**Subject:** Complaint and follow up in Muldoon Creek Water District (37-O)

Last week I followed up on a complaint in the Muldoon Creek Water District (37-O). I have attached a copy of a memo that documents my findings...

<< File: Muldoon Creek Memo.doc >>

I have also attached an EXCEL list generated from Workflow that lists the SRBA claims (in red) and the water right records (in blue) listing sources as Muldoon Creek. It appears that record 37-2751 (does not list a source in database, but Muldoon Creek listed on claim and right), and rights 37-1120 and 37-2243 (sources other than Muldoon Creek, but rediversion apparently occurs from Muldoon Creek) should also be on the list.

<< File: Muldoon Creek Rights.xls >>

During my visit, I was shown a copy of a September 13, 1994 letter from Tim Luke regarding water delivery in this particular district. It seems like the main problem is that the water master does not seem to regulate the diversions. Apparently, on wetter years there is plenty of water to go around for everyone, but on dry years like this year, there is a need for regulation. Although, since there are no headgates on any of the diversions I observed, there is really no way to shut people off, or reduce flows, other than moving rocks in the creek. It seems that Guy Peterson (some relative of the watermaster) is taking way more water than what his water right allows (8.25 cfs vs. 2.80 cfs), so if he were cut back, there might be enough water to pacify the user who initially complained. I found it kind of ironic that the watermaster is not even getting all of his water rights, and he has some of the oldest rights on the creek. There also seems to be issues with most of the rights &/or claims (incorrect owners listed, overclaiming the same right, incorrect point of diversion descriptions, etc.) that may not be completely resolved until the SRBA is completed.

Anyways, when you get a chance to review this information, maybe we can have a conference call or something to talk about resolving the complaint that we received.

Thanks,

Corey